

COUNCIL WORK MINUTES
DECEMBER 9, 2015

The City Council held a meeting on Wednesday, December 9, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Events Coordinator Bryan Dangerfield; Street Superintendent Jeff Hunter.

OTHERS PRESENT: Raymond Caldwell, Jacob Miner, Jeffrey Merchant, Ashlee Carlile, Kody Glover, Jade Burr, Payton Boyd, Makenna Clark, Craig Isom, Tom Jett, Melodie Jett, Terri Hartley, Nathan Merrill, Hunter Clark, Will Mitchell, Kody Orton, Kapri Harris, Daryl Brown, Corey Baumgartner, Brent Williams, Karsten Reed, Don Adams, Keirsti Cowdell, Tristee Cowdell, Lisa Bairett, Becki Bronson, Dennis Toland, Michael Radebaugh, Kristina Arnell, Donna Lee Shattuck, Tim Watson, Constance Caparas, Marcelo Kanosh, Margaret Carter, Fawn Caparas, Ron Larsen, Steve Nelson, Jasmine Tapia, Christine Anderson, Natalie Anderson, Shannon Avance, David Busk, Bob Platt, Joel Hansen, Ian Keyes, Dustin Arenivar, Clay Anderson, Ally Gray, Brigg Higby, Blake Cozzens.

CALL TO ORDER: Pastor Radebaugh of the Mountain View Baptist Church gave the invocation; the pledge was led by Daryl Brown.

AGENDA ORDER APPROVAL: Mayor asked that item #5 moved up after #2. Councilmember Rowley moved to approve the agenda order with the noted change; second by Cozzens Councilmember; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Cozzens – the new study about the 50 prettiest cities in Utah, there are things I would like to address in the coming year. One is dealing with fire arm regulations in the community. I talked with Kerry Fain at the Ice Rink and there was an issue with opening the gate, I encourage her to get the fence up so they can open the gate. ■Shannon Avance – the Youth City Council (YCC) is to get the youth involved and the two schools involved and learn about leadership. We are a little late getting started, but they will hit the ground running. Kaleigh Bronson – a few things we are planning on doing this year, we are participating in a clothing drive to donate to the Iron County Care and Share and preparing for Legislative Day in January with live mock trials and debate. We are planning fund raisers and community service projects. There are 10 students involved in the youth council.

The Youth City Council was sworn in by City Recorder Renon Savage. The Members are: Youth Mayor Kaleigh Bronson CHS; Youth Councilmembers Constance Caparas, Recorder, CHS, Marcelo Kanosh CHS, Katrina Arnell CHS, Alisen Allen, Treasurer, CHS, Jasmine Tapia CHS, Chris Holdsworth CHS, Hunter Clark CHS, and Ben Gatherum CV.

PUBLIC COMMENTS: ■Jacob Miner, Store Manager Wal-Mart – updates with the store. Black Friday was very successful, we invited the Fire Marshall and Chief and walked the entire store for ingress and egress; he gave a suggestion for another exit sign in produce. We did a count and were 1,000 shy of capacity of fire load. We try to make it better, we need to find a place for apparel, but have thoughts and ideas. I also have our community grant giving; this is only grants, not all donations. A list of those that have made application to date is attached as Exhibit “A”. There are still funds available; we want groups that are more impactful in the community. I want to thank the Cedar City Police Department which have helped with many things, but one was loitering which has been a concern. ■Clay Bulloch – when will we have the street open at the top of Interstate Drive? I own two lots in the neighborhood; I was told 32 years ago we would have a through street. Kit – we have some construction that needs to be finished, most is weather sensitive. We don’t accept the road until the road is complete. We are not anticipating opening until next spring because of sidewalk and some problem with asphalt. Clay - I used the power line dirt road to get to Main Street for a long time, now I have an oil road and I can’t use it. Rowley – it is not the bank construction, but the street itself. Kit – yes. When sidewalks are installed and the asphalt can be fixed. Carolyn Bulloch – I am curious are there any alternatives to opening the road? Kit – it gets complicated if people are using the road and then we have a final inspection and there are problems, then they point fingers to others. ■Chief Allinson – this Saturday is Shop with a Cop, we will pick the kids up at Wal-Mart and then to Canyon View High for breakfast and then back to Wal-Mart. We have been at Chili’s, Applebee’s, Pizza Factory, Lupitas, for Tip-a-Cop and we have 97 kids with \$100 each. ■Rick – Paul had a question on the gate at the Lake. Austin reported that someone pushed the gate with their truck and broke the lock; it will have to be fixed. I asked the YETI folks if they are going to install a temporary fence for observation, and I will get a response from Kerry.

CONSIDER TOUR OF UTAH 2016 BID PACKAGE – BRYAN DANGERFIELD:

Bryan Dangerfield, Events Coordinator. Some of the former organizing committee are here as well, they are great. We have been working with Larry H. Miller and Miller Sports Staff. The staff has been working with Maria Twitchell and the Tourism Bureau, we have a bid proposal that is fiscally responsible and maximize the community branding. We are putting in a bid for start headquarters and finish line. Crews will come in the Monday before, buying hotel rooms, estimated 3,000 hotel rooms to be sold during that time, buying fuel, effort to reach out to the Las Vegas market while they are here and get them to Shakespearean Festival and Neil Simon Festival. There will be live broadcast on Fox Sports1. They will be filming riders coming down the canyon. We are submitting the bid that has been submitted to Larry H. Miller. Rowley – there is a limit of \$80 per room, how is the remainder paid? Bryan – the bid says we will work with the hotels. Rowley – are the hotel operators on board or will the City pay the difference.

Bryan – I met with the Lodging Association, we are bringing in people all week, 500 rooms on a Sunday and Monday. When you do the math, you are still making money by having the rooms sold on Sunday and Monday. It will all have to be worked out.

Rowley – how many rooms meet the three star requirements? Bryan – I am not sure, but I feel confident, we have done this twice before. Black – is the University on board?

Bryan - Yes, LH Miller and Medalist Sports has been down here to look at the community, everyone with the Tour loved it before. Rowley – when is the drop dead commitment? Bryan – we have to negotiate the contract after the host city is announced. I feel comfortable it is a fiscally responsible bid. They bent over backwards to take things out that were in before. Rowley – overall what do you think the cost to the City will be with TRT as income? Bryan – we are on the hook for \$60,000, the City \$20,000.

Cozzens- do we have the sponsors? Bryan – no, but the last event we had \$20,000 in sponsors. Rowley – does some come from Tourism? Bryan – we put in for a grant but it has not been announced. Cozzens – the recycling program was that done before? Yes.

Danny – the tour has provided the means and we have volunteers, it is only at the finish line and expos. Rowley – will you have binnies? Danny – we have bins and have them picked up. Bryan – thanks to the volunteers in the community, to see the excitement and investment they make. Black – is the finish line the same? Bryan – I would think, but it is not set yet. SUU provides an Olympic village feel for the riders.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM RESIDENTIAL-1 (R-1) TO RESIDENTIAL ESTATES (RE) ON APPROXIMATELY 38.78 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 3300 WEST 2500 SOUTH – WATSON ENGINEERING/PAUL BITTMENN:

Joel Hansen – we are proposing to do a zone change from R-1 to RE, it is the original Eagle Ridge at South Mountain. You go through the wash and up the hill, it starts as you go up the hill, it is a 38 acre parcel. We want to make it a residential estate zone where we have bigger lots, 41 lots on 38 acres. I don't want people to mass grade their lots, we will have CC&R's to accommodate that. I feel like this is a great piece of property, it has a view of Shurtz Canyon and the valley, and we want to do something really nice. We won't have all the curb, gutter and sidewalk, but it will be esthetically pleasing. Rowley – Planning Commission compared it to Harmony Estates west of Kanarraville. Joel – there will be some smaller lots, like ½ acre. I want natural scape between me and my neighbor and have a small yard, make it the estate feel with natural scape. Rowley – did you give further consideration to leaving horses out? Joel – yes, in the terrain it would be difficult to do that. Some of the ordinances allow for chickens, I won't squabble, but livestock and horses will not be allowed. Rowley – any resolution with the motorcycle friends? Joel – no I have not, and have been called by a lot of neighbors. I am working with Officer Ludlow of the Police Department to see if we could put letter on Police Department letterhead, but it was denied. There is an argument about a prescriptive easement, if people are transitioning, but to just ride and ride and ride I have a problem with that. I will talk to Officer Ludlow and send letters to all residents. The last resident told me that a lot of people that come over come from Sunset Canyon, we can't cover everyone, and you can't fence it all. I had \$2,500 in survey stakes torn out. It is not an easy piece of property to develop, I have been out there with contractors and surveyors, I

spent all last summer working on it to be able to leave as natural as possible. We center lined stakes and a few days later the stakes were in the trees.

Mayor Wilson opened the public hearing. Chief Phillips – one concern is the wildland urban interface and the new state legislation on how we treat these zones. Keep that in mind as we develop these areas. Rowley – is it defensible space around the homes? Yes or around the development. The zone is 300 feet. Rick – do we need to modify our RE zone to incorporate that in? Phillips – yes. Paul – why don't we wait till the legislature decides what they are going to do? This is low density zoning, and the land use is low density residential. No other comments were made. The public hearing was closed.

CONSIDER APPROVAL OF VICINITY PLAN FOR ESTATES AT SOUTH MOUNTAIN PHASE 1 SUBDIVISION – JOEL HANSEN/KIT WAREHAM: Tim Watson, Watson Engineering – this is the vicinity plan for the first phase of the property just discussed. There are 9 lots with South Mountain Drive. We are less than ¼ mile from Cross Hollow Hills which has the natural landscape. We will have a developed access that will not be included in the first phase. We followed the ordinance, met with city staff, went to Project Review and have this vicinity plan. Kit – we will have a city roadway that is dedicated to South Mountain Drive. Paul – if the developer meets the City regulations he should have the development approved. We don't have the fire interface in our regulations; we may choose to develop that in the future. We can encourage the developer to look at that and encourage them to incorporate that in the plan. Black – are the cul-de-sacs the right length? Tim – we have met the regulations. Adams – where will the drainage go? Tim – we will have a borrow ditch and it will go to South Mountain Drive and into the drainage channel. Action.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM HIGHWAY SERVICES (HS) TO RESIDENTIAL HIGH DENSITY (R-3-M) ON PROPERTY LOCATED IN THE VICINITY OF 400 NORTH 1100 WEST – PLATT & PLATT ENGINEERING/PAUL BITTMENN: Bob Platt - this is north of Denny's restaurant and Quality Inn, 5.21 acres, conforming with the zone to the east. Paul – the general land use plan is mixed use and the R-3 would promote that stated goal as mixed use. Adams – was there any opposition? Bob – no. Rowley – there was question about taking hotel parking, they were added after the hotel for truck drivers, the parking for the hotel is adequate. Marchant – any problem with neighbors in the area? Tom Jett – no, I think it will be a nice improvement, my only concern would be more drainage, but the drainage is working quite well now.

Mayor Wilson opened the public hearing. There were no comments. The hearing closed. Action.

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CEDAR CITY ZONING ORDINANCE TO ALLOW ASSISTED LIVING FACILITIES AS A PERMITTED USE IN THE HIGH DENSITY RESIDENTIAL (R-3-M) ZONE AND TO ESTABLISH OFF-STREET PARKING REQUIREMENT FOR ASSISTED LIVING FACILITIES – INSITE ENGINEERING/PAUL BITTMENN:

Ron Larsen, Insite Engineering – the project is the owners of the Beehive House wants to expand, as we looked through the ordinance there was not a zone to place assisted living facilities. We are proposing to have them allowed in the R-3-M zone. Cozzens – is this by Kolob? Ron – yes. It has a few prairie dogs on it, but with the program they can be dealt with.

Mayor Wilson opened the public hearing. Jeff Merchant, owner of the Beehive Homes in Cedar City - we would love your support to keep the elderly and senior folks from leaving the area. We are need of high quality memory care and that is what we are going to do if approved. We would like to get started. Rowley – these look more like a house. Jeff Merchant – it will be larger to provide space for activities. It will look like a large home. There were no other comments. The hearing closed. Action.

REVIEW VICINITY PLAN FOR CEDAR SPECTRUM COMMERCIAL PUD AT 1375 SOUTH MAIN STREET – KIT WAREHAM/FRONTAGE GROUP, LLC.:

Bob Platt – this is the LaQuinta Inn at the South Interchange, they own the entire parcel. The proposal is for a commercial PUD consisting of 3 lots, lot 1 is the hotel parcel. They want common utilities and CC&R's for the area. Engineering has reviewed it and it has been through Planning Commission. Consent.

CONSIDER AN ORDINANCE ALLOWING FOR ANGLE PARKING AT 140 EAST 200 NORTH FOR THE DEPARTMENT OF WORKFORCE SERVICES – RAYMOND CALDWELL/KIT WAREHAM:

Raymond Caldwell, Facility Manager for Department of Workforce Services. We would like parallel parking to angle parking along 140 North 200 East. The building has no room for growth in parking. We have increased the number of workers; we have a team of eligibility specialists here. It has caused some parking problems. We would like to make that change for our staff to have parking stalls. Paul – the ordinance would allow the angle parking as designated along 200 North and 200 East, start 30 foot back from intersection of both streets and stop on 200 North 20 feet from the driveway. The responsibility would be on the State to post the signage and pay for the striping. Mr. Caldwell – we understand that. Rowley – will it be for employees? Mr. Caldwell – currently the employees are parking on the street to leave the parking lot for customers. This all started with and irate customer that filed a complaint with the Governor. Cozzens – was there discussion on having it on both sides of 200 North? No. Cozzens – maybe the property owners would like that as well. Mr. Caldwell – what about by the Veteran's Park? The council felt it was too narrow. Cozzens – it is allowable, but it would be tight. Paul – I am not sure how many stalls you would get on the north side of the street with driveway approaches and being 30 feet from intersections. Black – prior to being striped can we get a right turn lane on 200 East? Also the 20 foot buffer on the egress onto 200 North, if it has the same action from Harding to 100 West you will need more than 20 feet. Raymond – Kit said we would need a traffic study and we would do that. Rowley – maybe we could have an ingress and egress at separate locations. Cozzens – I would be curious to know how many you could get on the north side. Raymond – right now the problem is disorganization because there are not any lines to designate.

Jeff Hunter, Street Superintendent – I was going to wait and comment, because I am more concerned in residential than commercial because at the end of the day in commercial people leave and go home. When we do our chip seal who will pay for the striping at that time, is it Workforce Service responsibility or ours. Paul – one thing staff has talked about is amending the ordinance to clarify some of these things, such as restriping and residential versus commercial, road widths, taper widths, setbacks from intersections. Jeff – if it was up to me we would not have any parking on the streets. We have been back and restriped 100 West because someone about got hit so we erase one stripe. It is difficult when people pull out. I get all the calls. Cozzens – when you see someone try and do a parallel park and it takes 7 tries. Mr. Caldwell – Kit told us that we would be responsible to restripe the lines. Paul – we will put something in the ordinance. Marchant – that would be better to control these. Kit – then need to have the required parking stalls on site before they can have additional parking on the street. Mr. Caldwell – there are 31 parking stalls on site. Kit – it is based on size of office space. Mr. Caldwell – it is 14,000 square feet. Kit – that would require 60 parking stalls, but we only count the office space, not the halls and storage areas. Rick – when the State expanded the building they were told, but they do not have to meet the local ordinances. Cozzens – with that said, I still think we have a problem that could be made safer. Marchant – we may have additional problems in another area. Rick – in the private they can acquire or create off street parking within 400 feet, and we have had to have other entities do that, such as the LDS Church on 600 West had to acquire property north of College Ave. Marchant – same as the Mega Plex. Rick – one option is the State could look at the property to the north and create off-street parking for their employees. Cozzens – we have had angle parking on 300 West and by Go Green and there have been no accidents. It does block the view. Chief Allinson – we have had one accident and it was someone slowing down to turn in. Action.

CONSIDER AN ORDINANCE ALLOWING FOR ANGLE PARKING AT 107 NORTH 200 WEST – BLAKE COZZENS & KARSTEN REED: Cozzens – I need to declare that I have an interest in this property.

Karsten Reed – this street can get a little congested, the church, winery, ERA Property Management and some personal residents. It would be helpful for any of the commercial entities and the residential properties to have the ability to have angle parking. Rowley – is that an office or a house? Karsten – it is a home that is used for an office. Rowley – it would dissipate during the evening. Kit – they have 500 feet of office space, they need two parking spaces and they only have one. Karsten – most of the property owners are in favor. Rowley – there were three different places listed. Kit – the property owners need their on-site parking. Donna Johnson – I own the Iron Gate Inn and Winery, I have 7 parking spots on the east side. Angle parking would be welcome, the street is wide, but with our guests and the church it would help. I do private events, we purchased the Iron Gate Inn in May and are raising the bar on offering events. We are in favor of the angle parking for more visibility and parking for the Shakespeare goers that walk to the Theaters. Karsten – the theatre is ½ block to the south. Cozzens – this is the same width of the Southwest Plumbing. Paul – do the other property owners know that they need to

pay to put the striping in? Black – are some private residents? Do they have off street parking Kit – we told them it was required. Marchant – since they closed Center to College Ave, that has reduced the flow of traffic, so I am guessing the traffic is oriented to a home or business in this area. If it were through traffic I would be more concerned. Adams – what are the other locations? Karsten – the Church has to approach their governing board, they are working on that. They are all locations on that street? Yes. Black – on every driveway they would have to be 20 feet from the bottom of the taper. Paul – that is what we would propose. Mayor – would you consider allowing staff finishing the process, that way we would have uniformity. Black – if properties have two driveways they would lose 40 feet. Blake Cozzens – that would not be the case on these. A lot of these it works out to their advantage. Kit – you will have situations where they have a driveway on the lot line and the neighbor is on the lot line also, so they don't gain a lot of room. Cozzens – can they count the parking behind as parking? Kit – yes, it just can't be tandem parking. Blake – the church, the Bed and Breakfast, 127 North. Black – so we are hop scotching parallel parking? Rowley – we are only talking about homes and businesses? Blake – the only ones requesting are businesses and the church. Kit – we want to lay out general guidelines on when you can have angle parking. We have passed a lot of information back and forth. Paul – angle parking is in the streets ordinance, but getting Planning Commissions input is a good idea. Rowley – let's go forward with the State and wait on the mixed commercial and residents. Cozzens – what is the difference? There are residents across the street from Workforce Services. I am in favor of both of them. Mayor – we can postpone all of it. Can we table both of them? Rowley – the State situation is the fact they have no obligation to follow our rules, all the others are required to have off-street parking. By some term we don't have to have off-street parking. We are helping the State get out of a mess. I see an existing problem that we can fix and this other being able to get along for a little longer. Cozzens – I would vote to be consistent. Rowley – are you recusing yourself? Cozzens – no, I will note that I have an interest, but not recuse myself. Marchant – I think it is important to go forward with what the staff is proposing, it can be worked on. The other can be contingent on that. Action.

CONSIDER BIDS FOR THE QUICHAPA WELL #1 REPLACEMENT (WELL DRILLING) PROJECT – JONATHAN STATHIS:

Kit – this was budgeted last year to replace Quichapa Well #1. It was drilled in 1956, it is only 336 feet, most are 800 – 1000 feet deep. There was a set of pump bowls dropped in the bottom of the well so you can't drill deeper. The casing was perforated to 175 feet, it is 140 feet deep. We will move less than 100 feet to the south. Rowley – could you save by going down the same shaft? Kit – it would cost more to use the existing well. Adams – how deep are you going? Kit – projected 940 feet, a pilot hole initially to test the well and see what sand needs to be put in to pull the water through. It will be developed with a surge block and we are anticipating 1200 gallons per minute. We were over pumping the wells years back and it caused a lot of problems. Cozzens – Brent Hunter has had extensive experience, some say it is better to drill several 12 foot wells than a big well. Kit – that is the case with irrigators, but our wells are either on or off. The demand charge is when you don't run consistently. We are putting variable frequency drives (VFD's) on the wells to adjust the speed depending on the demand. It will bid out in 4 phases, this is the

first phase. We will move the pump house. The last phase is to purchase the pump and motor. We are moving to the south. We have had it witched and it looks good. We don't anticipate problems. The low bid is Grimshaw Drilling; their bid is \$665,000, quite a difference between them and Gardner at \$935,000. \$1,130,000 is the budget, we will use all that when all four phases are complete. Black – what is the difference in the bids? Kit – the main item was abandoning the old well, the next low was \$94,000 and the low bid was \$14,000. The gravel pack in the well, low was \$44,000 next was \$99,000. Some are equipped to do certain things, some not. We recommend go with Grimshaw Drilling. We have had a few issues with the m in the past, we have had enough experience and we know how we want drilled, the way we want, not the way they want. It will be state of the art. Consent.

REVIEW BIDS FOR THE CROSS HOLLOWS ROAD STORM DRAIN

PROJECT – KIT WAREHAM: Kit – running 48 inch pipe from the event center about 5,000 feet into the Armbrust pond. Also consists of putting in the inlets a flow from the east and from the south into the pond. The water over the last 10 years has cut its own way into the pond. These pipes range from 48 inches to 54 inches and 38 inches on the other. There is a box culvert, we will tie into that. We will have a pipe going into a drainage ditch. The box culvert was put in to be a walking trail, it is 8 feet high, the flood water covers 2 feet of it. The structure that we are putting in is made for the future when the trail expands can go in and get out of the trail. Rowley – what happens when it gets to the arena? Kit – there is a culvert that is already there, and we will keep the water in the road. The biggest thing, we want to make sure it eliminates the flood zone on the property. Since we don't have curb and gutter, the pipe will have to carry the entire flow. Rowley – this came in under budget? Kit – my estimate in 2013 was \$1.2 million. The total cost on this project is about \$1,060,000. The low bidder is John Orton Excavating \$952,148. Action.

REVIEW BIDS FOR THE 600 SOUTH STORM DRAIN PROJECT – KIT

WAREHAM: Kit – this project was not approved in last year's budget, but we felt we might save enough money on the other project by bidding in the winter and combining the projects. We felt it worked out. The low bidder was Blackburn and Associates, their bid amount is \$226,523. It finishes the storm drain that dead ended from 860 South. Marchant – this is a good solution. Black – will this be a sweep so it doesn't hammer. Kit – it just didn't have a big enough pipe, we will have a 42 inch pipe and it will be sufficient to cover the flow. Black – do we have any history with Blackburn? Kit – yes, they did 200 West. Rowley – I think it is a great idea.

The funding options for both, we have two sources for Cross Hollow Road, only one option for the 600 South which is the 300 West bond. 600 South does not qualify for impact fees. If we use the bond funds, we have \$877,000, if we use \$300,000 on 600 South we have \$577,000 for Cross Hollows, we would have to make up \$483,000 in impact fees. Cross Hollow road is eligible for \$810,000 in impact fees but we don't have that much. The other route is to use all the impact fees, \$403,000 in bond and \$600,000 in impact fees. Rowley – is there any reason to leave some in reserve? Kit – if we have any upsizing costs. We had one other project that would qualify for impact fees, but it is

not a sure thing at this point which is the extension of the storm drain along the freeway from Thunderbird Garden apartment. We removed the grate and have not had any problems. Cozzens – what is the estimated costs on the Thunderbird apartment costs? Kit – about \$200,000.

Jeff Hunter – we are using the storm fund money, could we consider the project we have on 820. This causes more problem than 600 South. Kit – we have some right-of-way we need to purchase and then extend a pipe from the cul-de-sac to Main Street. Jeff – there is nowhere for the water to go and floods three or four homes every storm. We need to get it piped. Kit – it ends up in the 800 South storm drains. Paul – we don't have a bid on the item and it is not budgeted. Do we want to do a budget revision? Kit – if we save enough money on the bond we can use it. Paul – you need to use the bond money within 4 months. Kit – we can do this and put it to bid quickly. Rowley – with the full bond money and the impact fee money do you think we can do all three projects? Kit – yes, we would still have \$200,000 or \$300,000 left. Mayor – we would use the impact fee money on Cross Hollow Road and use the bond money for the 600 South and this project. Rick – Zions Public Finance gave us deadlines when 90% had to be spent. We will meet that with Cross Hollow project.

CONSIDER APPROVAL OF SETTLEMENT AGREEMENT WITH ARMBRUST FAMILY TRUST:

Paul Bittmenn – in the late 90's the Armbrust family donated 10 acres to the City and 20 acres for the arena. There was an agreement for some development on their property. In 2013 there is a dispute over flood zone issues and the Armbrust family filed a law suit over the flood zones. We have been in negotiations for about 2 years; we think we have a final settlement agreement. The inlet pipes for the detention pond; there has been a lot of erosion. We would put in permanent inlet structures, outlet from the detention and then as seen on the previous item put a pipe to the arena. We would clean the retention pond. Black – is the plan to tier that if we can so the west side can be used. Kit – the bottom of the pond will have a 2% grade. We are probably going to be doing a significant grading for the outfall project; they will cut the pond to grade. Rowley – could you have one side deeper so it is wet more and the higher dry most of the time and it is used as a city park pond. Kit – you can design it how you want. Rowley – you could almost have part so it is dry and useable most of the time. Kit – the piping system is designed to keep the pond completely drained, but the material would have to be lined to keep the water in it. Paul – within the next 6 months we will provide Armbrust Family with a conceptual design on what we will do in the pond. There was disagreements with a cattle trail that the City purchased, we would renegotiate and rework the last 250-300 feet to ease up on the slopes and the intrusion of their property. We would petition FEMA to remove the flood plain after we do the piping and a one-time payment to the Armbrust Family of \$50,000. The City would get some easements, a temporary easement to access the pond. Cozzens – how deep is the drain from the outlet? Kit – it is on the bottom of the pond, there are 25 foot manholes, it is designed to completely drain. We will get down to Cody Drive and get about 9 feet deep. It is average 2% slope. We have to carry a design flow to eliminate the flood zone. Kit – with the 2% slope there is quite an elevation difference. Cozzens – what is the slope? Kit - ¼ inch per foot, 10 feet difference between the elevation. Black - I think we should

keep that dry and not leave any water in the pond. Paul – the other is to have the law suit dismissed. Action.

Rick – Jen Weaver is not able to be here, but she would like to start up adult basketball. She has modified some of the costs to make it more affordable for the teams. Current fee structure if \$400 per team, she is proposing 8 week season and would like to offer it at \$325 per team. We would need an adjustment to the fee schedule. It would be at Cedar Middle School.

ADJOURN: Councilmember Marchant moved to adjourn at 7:50 p.m.; second by Councilmember Black; vote unanimous.



Renon Savage, MMC
City Recorder

EXHIBIT "A"
CITY COUNCIL - DECEMBER 9, 2015

Organization Information ▲	Proposal Type	Project Title	Funding Principle	Request Submission
BSA-UTAH NATIONAL PARKS COUNCIL AKA: BSA-UTAH NATIONAL PARKS COUNCIL 444 S. MAIN STREET #3A CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		12/1/2015
CANYON CREEK WOMEN'S CRISIS CENTER AKA: CCWCC 95 NORTH MAIN STREET, SUITE 22 CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		12/7/2015
CEDAR CITY CORPORATION - PARKS & OUTDOOR FACILITIES AKA: CEDAR CITY PARKS & OUTDOOR FACILITIES 2090 W ROYAL HUNTE DR CEDAR CITY UT 84720	LCC Giving	WMT 1438 Application		4/1/2015
CEDAR CITY FIRE DEPT. AKA: CEDAR CITY FIREMANS RELIEF ASSOC 291 N 800 W CEDAR CITY UT 84721 US	LCC Giving	WMT 1438 Application		3/1/2015
CIVIL AIR PATROL AKA: CIVIL AIR PATROL UTAH WINGSPAN 5442 SOUTH 900 EAST # 514 CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		12/4/2015
HARMONY VALLEY VOLUNTEER FIRE ASSOCIATIO AKA: HHVFA PO BOX 621 NEW HARMONY UT 84757 US	LCC Giving	WMT 1438 Appllcation		5/22/2015
MAKE-A-WISH FOUNDATION OF UTAH AKA: MAKE-A-WISH FOUNDATION OF UTAH 771 E WINCHESTER ST MURRAY UT 84107 US	LCC Giving	WMT 1438 Application		2/19/2015
ROCKY MOUNTAIN ELK FOUNDATION AKA: ROCKY MOUNTAIN ELK FOUNDATION 27 S 3900 W CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		12/3/2015
SOUTH ELEMENTARY AKA: SOUTH ELEM FLOURIDE PROGRAM 499 W 400 S CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		5/29/2015
SOUTHWEST APPLIED TECHNOLOGY COLLEGE AKA: SOUTHWEST APPLIED TECHNOLOGY COLLEGE 510 WEST 800 SOUTH CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		8/11/2015
UTAH DEPARTMENT OF TRANSPORTATION SNAP AKA: UDOT SNAP 375 W 200 S STE 275 SALT LAKE CITY UT 84101 US	LCC Giving	WMT 1438 Application		6/12/2015
UTAH FOOD BANK AKA: UTAH FOOD BANK 3150 SOUTH 900 WEST SALT LAKE CITY UT 84119 US	LCC Giving	WMT 1438 Application		11/12/2015
UTAH SUMMER GAMES AKA: UTAH SUMMER GAMES 351 W UNIVERSITY BLVD CEDAR CITY UT 84720 US	LCC Giving	WMT 1438 Application		2/5/2015

